

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

AGROFRESH INC.,)	
)	
Plaintiff,)	
)	Civil Action No. 1:16-cv-00662-JFB-SRF
v.)	
)	JURY TRIAL DEMANDED
MIRTECH, INC., NAZIR MIR, ESSENTIV)	
LLC, DECCO U.S. POST-HARVEST, INC.,)	
and CEREXAGRI, INC. d/b/a DECCO)	
POST-HARVEST,)	
)	
Defendants.)	

PLAINTIFF’S MOTION TO SEAL THE FIRST AMENDED COMPLAINT

Plaintiff Agrofresh Inc. (“Agrofresh”), by and through its attorneys, hereby moves for an order permitting the filing of its First Amended Complaint under seal (the “Motion”). In support of its Motion, Plaintiff states as follows:

1. This is a civil action concerning patent infringement, breach of contract, and state law tort claims.
2. Agrofresh is filing a First Amended Complaint contemporaneously with this Motion.
3. The Third Circuit Court of Appeals has held that the right of the public to access judicial records and proceedings “is not absolute.” *Littlejohn v. Bic Corp.*, 851 F.2d 673, 678 (3d Cir. 1988) (citing *Nixon v. Warner Commc’n., Inc.*, 435 U.S. 589, 598 (1978)); *Leucadia, Inc. v. Applied Extrusion Tech., Inc.*, 998 F.2d 157, 165 (3d Cir. 1993) (same). “[C]ourts have refused to permit their files to serve as . . . sources of business information that might harm a litigant’s competitive standing.” *Leucadia*, 998 F.2d at 166 (noting that the “common law presumption of access must be balanced against the factors that militate against access”). “Documents

containing trade secrets or other confidential business information may be protected from disclosure.” *Id.*

4. Here, certain agreements described in the First Amended Complaint contain provisions requiring Agrofresh to maintain the confidentiality of the agreements’ terms. Agrofresh is willing to file the First Amended Complaint on the public docket, but needs Defendants’ consent before doing so. In addition, the First Amended Complaint contains certain information the Defendants may deem confidential.

WHEREFORE, Plaintiff respectfully requests that the Court permit Agrofresh to file its First Amended Complaint under seal provisionally to allow Defendants the opportunity to either (1) file a brief in support of this motion to seal, or (2) consent to filing the First Amended Complaint on the public docket.

Respectfully submitted,

Dated: August 18, 2017

BARNES & THORNBURG LLP

/s/ Regina S.E. Murphy

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Attorneys for Plaintiffs

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POST-HARVEST,)	
)	
Defendants.)	

ORDER

Upon application of Plaintiff Agrofresh Inc., and for good cause shown,

IT IS HEREBY ORDERED this _____ day of _____, 2017,
that Plaintiff's First Amended Complaint in the above-captioned matter may be provisionally
filed under seal.

United States District Judge